

Local parks fund  
(SB 325, by Truan; sec. 7(b))

DIGEST:

The bill continues the Local Parks, Recreation and Open Space Fund, which the Parks and Wildlife Department uses to fund acquisition, development, and rehabilitation of state and local parks in urban areas. The current allocation to the fund of one cent of the cigarette tax will be deleted during the next biennium but reinstated in 1985. The bill appropriates \$4.2 million for the local parks program for the 1984-85 biennium. In addition, the bill would have appropriated \$500,000 to the Texas Sesquicentennial Museum Board for planning a science and technology museum, with the remainder of the Sesquicentennial Museum Fund to be transferred to the local parks fund.

GOVERNOR'S  
REASONS  
FOR VETO:

The Governor vetoed sec. 7(b) of the bill, which appropriated \$500,000 to the Texas Sesquicentennial Museum Board. The interests of Texans "will best be served by our commitment to the continued development of parks, recreational, and open space areas. For that reason, I object to the diversion of these funds."

SPONSOR'S  
VIEW:

Sen. Truan's office said he did not object to the amendment that would have appropriated \$500,000 to the Sesquicentennial Museum Board, nor did he object to the Governor's item veto. The Senator's primary concern was with getting money for the local parks fund, which this bill accomplishes.

Rep. Turner sponsored the House floor amendment to transfer to the Local Parks Fund all funds in the Sesquicentennial Museum Fund, with the exception of the \$500,000 appropriation to the Sesquicentennial Museum Board. Rep. Turner said his primary interest was in getting more money for the Local Parks Fund. He said the amendment was based on a compromise with Rep. Jackson, who wanted to keep the museum project alive with an appropriation for planning while private funds were sought to complete the project. Rep. Turner said he did not object to the item veto, which will make an additional \$500,000 available for the local parks program.

NOTES:

The HSG analysis of SB 325 appeared in the May 19 Daily Floor Report.

The Sesquicentennial Museum Board will be phased out as of Aug. 31, 1983.

Compensation for removal of billboards  
(SB 367, by Sharp)

DIGEST:

The bill would have prohibited local ordinances requiring the removal or prohibiting the use, maintenance, or improvement of outdoor advertising without compensation, if the advertising complied with applicable law when erected. Local governments would have had to pay "just compensation" to the owner of the advertising and to the owner of lessee of the property on which it was located, "under the standards applicable to payment for taking by eminent domain."

GOVERNOR'S  
REASONS  
FOR VETO:

The Governor said the bill would have placed an unacceptable constraint on municipal ordinance-making power. "The bill establishes a serious and far-reaching precedent which... is clearly contrary to the public interest."

Houston, Dallas, and Lubbock have ordinances that do not require compensation for owners of outdoor advertising designated for removal; instead they use the concept of "amortization," under which owners are allowed to continue using their signs or billboards for a period of time before removing them. The Governor said state and federal courts have upheld the local billboard ordinances this bill would have overturned.

SPONSOR'S  
VIEW:

Sen. Sharp predicted the local billboard ordinances that would have been overturned by this bill will be successfully challenged in federal court, as he said had already happened with a similar ordinance in San Francisco. He said a judge in Dallas told all parties that the Dallas ordinance is unconstitutional, on the grounds that it involves a taking of property without just compensation.